

AMENDED IN SENATE APRIL 13, 2004
AMENDED IN SENATE MARCH 23, 2004
AMENDED IN SENATE SEPTEMBER 8, 2003
AMENDED IN SENATE SEPTEMBER 3, 2003
AMENDED IN SENATE JULY 7, 2003
AMENDED IN ASSEMBLY MARCH 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 493

Introduced by Assembly Member Salinas
~~(Coauthors: Senators Denham and McPherson)~~
(Coauthor: Senator McPherson)

February 14, 2003

An act to add Section 6608.5 to the Welfare and Institutions Code, relating to sexually violent predators, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 493, as amended, Salinas. Sexually violent predators.

Existing law provides for the commitment of convicted sexually violent predators to the custody of the State Department of Mental Health for treatment, under specified conditions. If the Director of Mental Health determines that the person's diagnosed mental disorder has so changed that the person is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director is required to forward a report and

recommendation for conditional release to the superior court of the county in which the person was convicted of the offense for which he or she was committed to the jurisdiction of the Department of Corrections and the court is required to set a hearing, as specified. A person who has been committed as a sexually violent predator may petition the court for conditional release with or without the recommendation or concurrence of the Director of Mental Health. Upon receipt of a petition from the Director of Mental Health or a committed person, if that petition is not based upon frivolous grounds, the court is required to hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior due to his or her diagnosed mental disorder if under supervision and treatment in the community; if not, the court is required to order the committed person placed with an appropriate forensic conditional release program operated by the state for one year.

This bill would require a nonparolee who is conditionally released under these provisions to be placed in the county of the civil commitment, unless the court finds that extraordinary circumstances, as defined, require placement outside the county of civil commitment. The bill would require the county of civil commitment to designate, and notify the department of, the county agency or program ~~responsible for assisting the department in that will provide assistance and consultation in the process of~~ locating and securing housing within the county for persons who are about to be conditionally released. By establishing new duties for counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.



Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6608.5 is added to the Welfare and
2 Institutions Code, to read as follows:

3 6608.5. (a) Except as provided in subdivision (b), and except
4 with respect to a parolee placed pursuant to Section 3003 of the
5 Penal Code, a person who is conditionally released pursuant to this
6 article shall be placed in the county of the civil commitment, unless
7 the court finds that extraordinary circumstances require placement
8 outside the county of civil commitment. For purposes of this
9 section, “extraordinary circumstances” means circumstances that
10 would inordinately limit the department’s ability to effect
11 conditional release of the person in the county of civil commitment
12 in accordance with Section 6608 or any other provision of this
13 article, and the procedures described in Sections 1605 to 1610,
14 inclusive, of the Penal Code.

15 (b) The county of civil commitment shall designate a county
16 agency or program that will ~~be responsible for assisting the~~
17 ~~department in~~ *provide assistance and consultation in the process*
18 *of* locating and securing housing within the county for persons
19 committed as sexually violent predators who are about to be
20 conditionally released under Section 6608. Upon notification by
21 the department of a person’s potential or expected conditional
22 release under Section 6608, the county of civil commitment shall
23 notify the department of the name of the designated agency or
24 program, at least 60 days before the date of the potential or
25 expected release.

26 SEC. 2. Notwithstanding Section 17610 of the Government
27 Code, if the Commission on State Mandates determines that this
28 act contains costs mandated by the state, reimbursement to local
29 agencies and school districts for those costs shall be made pursuant
30 to Part 7 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the claim for
32 reimbursement does not exceed one million dollars (\$1,000,000),
33 reimbursement shall be made from the State Mandates Claims
34 Fund.

1 *SEC. 3. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety*
3 *within the meaning of Article IV of the Constitution and shall go*
4 *into immediate effect. The facts constituting the necessity are:*

5 *In order to provide state and local authorities with urgently*
6 *needed clarification with respect to procedures involved with the*
7 *conditional release of sexually violent predators, it is necessary*
8 *that this act take effect immediately.*

